

BROUWER  
Serial No. 09/680,265

Atty Dkt: 2380-229  
Art Unit: 2664

### REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

#### **A. SUMMARY OF THIS AMENDMENT**

By the current amendment, Applicants basically:

1. Cancel claims 2 – 4, 14 – 15, 18 – 20, 30 – 31, 34 – 36, 40 – 43, and 45 – 48 without prejudice or disclaimer.
2. Rewrite objected-to claims 5 – 7, 12, 21 – 23, 28, 37 – 39, and 44 as independent claims.
3. Amend claims to overcome various editorial objections.
4. Amend the multiple dependency of the remaining claims.
5. Combine the limitations of dependent claims 13 – 15 into one dependent claim (13); combine the limitations of dependent claims 29 – 31 into one dependent claim (29); and, similarly, combine the limitations of dependent claims 45 – 47 into one dependent claim (45).
6. Respectfully traverse all prior art rejections in view of the amendments.
7. Request consideration of the June 1, 2001 IDS (see §C, infra).

#### **B. PATENTABILITY OF THE CLAIMS**

Claims 5 – 7, 12, 21 – 23, 28, 37 – 39, and 44, which were indicated as including allowable subject matter, have been rewritten as independent claims. Note that claims 5 – 7 include the subject matter of former independent claim 4; that claim 12 includes the subject matter of former independent claim 2; that claims 21 – 23 include the subject matter of former independent claim 20; that claim 28 includes the subject matter of former independent claim 18; that claims 37 – 39 include the subject matter of former independent claim 36; and, that claim 44 includes the subject matter of former independent claim 34.

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In the course of the amendments, the objections raised in the third enumerated paragraph of the Office Action have been mooted based on proper support in the original disclosure. Specifically, the amendments to claims 6, 22, and 38 are supported, e.g., by Expression 6 and the paragraph bridging pages 18 and 19 of the original specification. The amendment to claims 7, 23, and 39 concerning the Load L as being the current load of the base station node is supported, e.g., by Expression 7 and the third full paragraph on page 19 of the specification.

#### C. REQUEST FOR INITIALING OF PTO-1449 FOR PREVIOUS IDS

The attached IDS was filed on June 1, 2001. However, the PTO-1449 has not been returned to the applicant. Applicant therefore respectfully requests that the Examiner consider the references cited on the attached IDS PTO-1449, initial the PTO-1449, and return the same to Applicant.

#### D. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

Applicant objects to the reasons for allowance articulated in the Office Action to the extent that such reasons are at variance with the actual language of the claims. For example, Applicant notes that claims 6, 22, and 38 and claims 7, 23, and 39 have different wording than the claims for which reasons have been provided. Reasons for allowance of claims 6, 22, and 38 and claims 7, 23, and 39 should not, therefore, be identical to those of claims 5, 21, and 37.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

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Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,  
**NIXON & VANDERHYE P.C.**

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